

UNITED STATES DISTRICT COURT
for
WESTERN DISTRICT OF TENNESSEE

FILED BY JF D.C.

05 SEP -7 AM 11:01

U.S.A. vs. Michael Falling Switzer

03-20280

Docket No. 2:03CR20280-01

THOMAS H. COOLE
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

Petition on Probation and Supervised Release

COMES NOW Lorin J. Smith, **PROBATION OFFICER OF THE COURT** presenting an official report upon the conduct and attitude of Michael Falling Switzer, who was placed on supervision by the Honorable J. Daniel Breen sitting in the Court at Memphis, Tennessee on the 5th day of February, 2004, who fixed the period of supervision at three (3) years with the following special conditions:

- 1.) Any employment and change of address must be approved by the probation officer.
- 2.) Defendant's place of residence may not be close in proximity to parks, playgrounds, public pools, or other locations frequented by children.
- 3.) Defendant shall not directly or indirectly have contact with any child under the age of 18; may not reside with any child under the age of 18, and may not loiter near school yards, playgrounds, swimming pools, arcades, or other places frequented by children.
- 4.) Defendant must participate in a specialized sex offender treatment program that may include use of a plethysmograph and polygraph.
- 5.) Defendant may not possess any pornography.
- 6.) Defendant may not use sexually oriented telephone numbers or services.
- 7.) Defendant must abide by an evening curfew as set by the probation officer.
- 8.) Defendant shall not possess, or use, a computer with access to any "on-line" computer services at any location (including employment) without the prior approval of the probation officer. This includes any internet service provider, bulletin board system, or any other public or private network or e-mail system.
- 9.) Defendant shall submit to DNA testing as required.
- 10.) Defendant must participate in drug testing and treatment as directed by the probation officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

PLEASE SEE ATTACHED

PRAYING THAT THE COURT WILL ORDER that Mr. Switzer's Supervised Release be modified to include the special conditions as listed on page 2 of this petition.

ORDER OF COURT

Considered and ordered this 7th day
of Sept, 2005, and ordered filed
and made a part of the records in the above
case.

[Signature]
United States District Judge

Respectfully,

[Signature]
Lorin J. Smith
U.S. Probation Officer

Place: Memphis, Tennessee

Date: September 1, 2005

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 9-7-05

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RE: Michael Falling Switzer
Docket Number: 2:03CR20280-01
Page 2

Mr. Switzer was convicted of Possession and Reciept of Child Pornography. Additionally, Mr. Switzer is being released directly from prison to the community without the benefits of a halfway house placement. Mr. Switzer does not have ties to this community and does not have a residence to which to be released. In order to best supervise Mr. Switzer and to facilitate a smooth transition into the community, as well as protect the community, the United States Probation Office recommends that the following special conditions be added:

- 1.) Defendant shall submit to routine inspection and be subject to examinations conducted by the Probation Officer or Law Enforcement, without a warrant, of his computer system, hard drives, and/or other medial storage material,
- 2.) Defendant shall submit to search of person, residence, place of business and vehicle, without a warrant, conducted by the United States Probation Office. Failure to submit to such a search may be grounds for revocation,
- 3.) Defendant shall serve as a special condition of Supervised Release a one hundred and twenty (120) day period in a halfway house according to the direction and instructions of the Probation Officer.

Mr. Switzer has signed the attached Probation Form 48, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, indicating his willingness to have the special conditions added.

United States District Court

for the

Western District of Tennessee

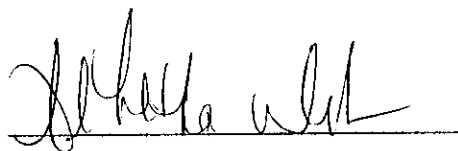
**Waiver of Hearing to Modify Conditions of
Probation/Supervised Release or Extend Term of Supervision**

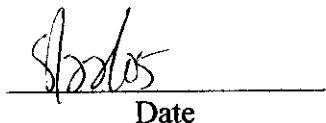
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

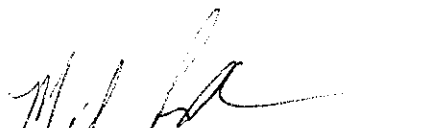
1. The defendant shall submit to routine inspection and be subject to examinations conducted by the Probation Officer or Law Enforcement, without a warrant, of his computer system, hard drives, and other medial storage material. Failure to submit to such a search may be grounds for revocation.
2. The defendant shall submit to search of person, residence, place of business, and vehicle, without a warrant, conducted by the United States Probation Office. Failure to submit to such a search may be grounds for revocation.
3. The defendant shall serve as a Special Condition of Supervised Release a one hundred and twenty (120) day period in a halfway house according to the direction and instructions of the probation officer.

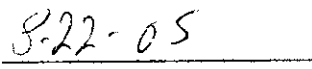
Witness:




Date

Signed:


Probationer/Supervised Releasee


Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 34 in case 2:03-CR-20280 was distributed by fax, mail, or direct printing on September 7, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT